

Notice of Allowability

Application No.

09/342,453

Examiner

Tuan V. Thai

Applicant(s)

ST. PIERRE ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 05/04/2005.
2. ☒ The allowed claim(s) is/are 2-6, 8-12, 14-19, 21-24, 26-29 and 31-35 renumbered as 2-5, 1, 7-10, 6, 12-16, 11, 18-20, 17, 22-24, 21, 26-29, 25 respectively.
3. ☒ The drawings filed on 10 March 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN V. THAI
PRIMARY EXAMINER

Serial Number: 09/342,453

Art Unit: 2186

Attorney's Docket No.:

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In re application of: St. Pierre et al. Group: 2186

Serial No.: 09/342,453 Examiner: Tuan Thai

For: **METHOD AND APPARATUS FOR DUPLICATING COMPUTER BACKUP
DATA.**

1. This action is responsive to amendment filed May 04, 2005.
Claims 2-6, 8-12, 14-19, 21-24, 26-29 and 31-35 are allowed.
Claims 1, 7, 13, 20, 25 and 30 have been canceled.

REASONS FOR ALLOWANCE

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach nor suggest, *either alone or in combination*, all the limitations of the claimed invention (claims 6, 12, 19, 24, 29 and 35) with a method and apparatus for duplicating at least some of the backup data stored on the backup storage medium comprises copying only a subset of the backup data from the at least one backup storage medium onto at least one computer-readable duplicate backup

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storage medium as duplicate backup data, wherein the at least one backup storage medium having a first backup storage medium including incremental backup data for at least one work item at a first point in time and a second backup storage medium including incremental backup data for at least one work item at a second point in time wherein the first and second incremental backup data are copied into a single duplicate backup storage medium; the prior arts of record do not further disclose the concept of reading backup data corresponding to the first work item from at least one backup storage medium as a logical data stream, writing the backup data to at least one duplicate backup storage medium as a logical data stream, assigning a first expiration time to the at least one first backup storage medium, writing the backup data read to at least one second backup storage medium as a second logical data stream, and assigning a different second expiration to the second backup storage medium. In light of the foregoing, claims 6, 12, 19, 24, 29 and 35 of the present application are found to be patentable over the prior arts.

Claims 2-5, 8-11, 14-18, 21-23, 26-28 and 31-34 further limit the allowable independent claims. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to

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avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

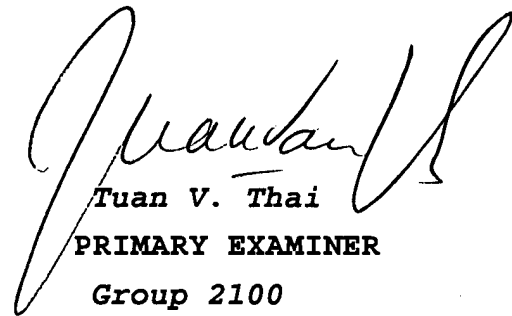
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TVT/May 24, 2005



Tuan V. Thai
PRIMARY EXAMINER
Group 2100